THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 10709 OF 2005

Between :

C.Rama Subba Reddy, S/o Eswara Reddy,
Nandikotkur (v), Kurnool District and others

… Petitioners

And :

Special Deputy Collector (LA)
Srisailam Project, Kurnool District and others

… Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 10709 OF 2005

ORAL ORDER :

1) The 59 petitioners are aggrieved that their Land Acquisition OPs on the file of the Senior Civil Judge, Nandikotkur, Kurnool District, are pending and seek a direction for their expeditious disposal.

2) The State through the 1st respondent acquired several lands in Prathakota, Beeravolu, Vellala, Ganapuram and Sathanikota villages, Pagidyal Mandal, Kurnool District for the Srisailam Hydro Electrical project, in 1974. Awards were passed during the years 1978 to 1980. The landowners sought reference to the civil court u/Sec. 18 of the Land Acquisition Act 1894 for enhancement of the market value.

According to the petitioners the then Subordinate Judge, Nandikotkur pronounced common orders on 3.12.1992, 10.12.1992, 11.12.1992 and 18.12.1992 in several batches of OPs including those pertaining to the petitioners. The reference court is claimed to have enhanced the compensation by 1000% over the market value determined by the LAO in the respective awards. However when the petitioners and others sought certified copies of the orders and decrees in their respective OPs, the court returned the applications with an endorsement that records were not available. On enquiry the petitioners learnt that disciplinary proceedings were initiated against then Subordinate Judge Sri H.R. Rabbani, who had passed the orders in the OPs and that the District Court had seized all the records. As the petitioners were neither furnished the certified copies of the orders and

decrees of the reference court nor the OPs were taken up for hearing afresh, and the court concerned was of the view that no formal and regular orders and decrees were drawn up, the petitioners are before this court seeking appropriate relief. In the annexure to the writ petition the petitioners have furnished the numbers of OPs pertaining to the reference sought by each of them; the date of the earlier claimed disposal by the reference court; the extents of the respective lands acquired; particulars of the Award by the LAO; and the village and Mandal particulars of their lands acquired. The particulars furnished by the petitioners are as under:

PARTICULARS OF O.Ps

of the Claimant	O.P. No.	Date of disposal	Extent	Award No.	Village/Mandal
2	3	4	5	6	7
asubba Reddy	5342/91 6318/91 4709/91	3-12-92 18-12-92 3-12-91	0.41.5 0.02 0.17	26/79 72/78 73/78	Prathakota, (V),Pagidyal Mandal “
ty Nagalakshmaiah	5326/91	3-12-92	0.14	26/79	“
ty Viswanadham	5331/91	3-12-92	0.12	26/27	“
ty Satyanarayana	4973/91	3-12-92	0/.04	71/78	“
ty Pullaiah(died) akshmaiah	1744/91 5327/91 5318/91	3-12-92 3-12-92 3-12-92	0.02 0.12 0.16	71/78 26/79 5/80	“ “ “
athamma	5319/91	3-12-92	0.38	5/80	“
l Subbamma (died) ratapa	5199/91	3-12-92	0.3	5/80	“
ur Vengamma	4719/91	3-12-92	0.10	5/80	“
anarayana Reddy	5462/91	3-12-92	0.30	5/80	“
eswara Reddy(died) vamma	4706/91 5201/91	3-12-92 3-12-02	0.01 0.11	5/80 73/78	“ “
Papi Reddy	1750/91 5333/91	3-12-92 3-12-92	0.053.4 0.13.5	71/78 26/79	“ “
na Reddy	5204/91	3-12-92	0.37	5/80	“
Chenchi Reddy(died) va Reddy	6621/91	3-12-92	0.20	26/79	“
eshamma	5197/91	3-12-92	0.10	5/80	“
Reddy	5320/91 4704/91	3-12-92 3-12-92	0.13 0.03.2	23/79 73/78	“ “
ati Reddy	4708/91	18-12-92	0.03.2	73/78	“
Sekhar Reddy	186/91	3-12-92	023.2	56/79	“
jala Reddy died amalinga Reddy	5349/91 4712/91	18-12-92 3-12-92	0.15 0.03.2	73/78 73/78	“ “
na Siva Reddy died ama Subbamma	6333/91	30-12-92	0.04	--	“
anadha Reddy	1745/91	3-12-92	0.0.7	71/78	“
inga Reddy	5202/91	3-12-92	0.11	5/80	“
Shankara Reddy	5345/91	3-12-92	0.02.2	26/79	“
a Linga Reddy	5328/91	3-12-92	0.05	71/78	“
ıkata Ramanammaj	6327/91	3-12-92	0.16	26/79	“
hmi Reddy(died) ratap Reddy	1747/91 1748/91	3-12-92 3-12-92	0.02 0.04.2	71/78 71/78	“ “

eswara Reddy	1574/91	3-12-92f	0.11.2	71/78	“
a Linga Reddy(died) dhusudhna Reddy	5322/91	3-12-92	0.25	26/79	“
ıgopal Reddy(died) rinivasa Reddy	1417/91	3-12-92	0.43	26/79	“”
iramma (died) Murali Mohan Reddy	6788/91	3-12-92	0.13	73/78	“
Khaja Hussain	5339/91	3-12-92	0.35	76/80	“
ani Eswar Reddy(died) ankar Reddy	190/92	3-12-92	0.35	76/80	“
ani Sankar Reddy	5343/91	3-12-92	0.04.2	28/29	“
ıakar Reddy	7307/91	3-12-92	0.18	26/79	“
rupati Reddy(died) unyavathamma	5205/91	18-12-92	0.14	5/80	“
Venkata Subba Reddy	5329/91	3-12-92	0.13.2	26/79	“
allikharjuna died) nalingamma	5196/91 5193/91	3-12-92 3-12-92	0.41q 0.05.3	5/80 71/78	“ “
Gur Reddy	5353/91 1749/91	3-12-92 3-12-92	0.13 ½ 0.05.4	26/79 71/78	“ “
aiah(died) avitramma	4935/91 1861/91	3-12-92 3-12-92	0.11	26/79 26/79	“ “
iah(died) arath	5191/91 4350/91 1817/91	3-12-92 3-12-92 3-12-92	0.11 0.15.3	71/78 26/79 26/79	“ “ “
yana Reddy(died) .Lakshmamma	4710/91	18-12-92	0.08	73/78	“
ıi Reddy	4705/91	3-12-92	0.11	73/78	“
Subba Rayudu(died) lakla Bhagyamma	5346/91	3-12-92	0.06	71/78	“
a Krishna Reddy(died) :swarama	6813/91 6570/91	3-12-92 3-12-92	0.02 0.33	-- --	“ “
aboob Lal	456631/91	3-12-92	0.10	26/78	“
a Bhadraiah	1395/91	3-12-92	0.31	54/59	“
Venkata Narayana	545/92	3-12-92	0.31	54/59	“
ati Reddy(died) palama	6334/91	30-4-92	0.05 ½	54/59	“
Krishnaiah	6080/91	11-12-92	1.80	=--	Beravolu,
Saheb	5985/91 6016/91 6413/91	10-12-92 3-12-92 3-12-92	-- -- --	-- -- --	Vellalla
pa Setti aiah(died) Chinna Swamy`	773/92	3-12-92	--	--	Sathana Kota`(V) Nandikotkur
ydduddin(died) d Nazeerddin	761/92	3-12-92	--	--	“
pati Yellaiah(died) Nagi Reddy	2239/91	11-12-92	---	--	“
Sankaraiah	768/92	10-12-92	--	--	“
Seetamma	2236/91	11-12-92	--	--	“
Singaiah	2229/91	11-12-92	-	--	“
Lakshmanna(died) nnamma	5986/91	10-12-92	--	--	“
Veddaiah	1976/91	10-12-92	-	-	“
a Pakir Reddy	2231/91	11-12-92	-	-	“
a Chenchanna	760/92	11-12-92	-	-	“

3) The 2nd respondent has filed a counter affidavit dated 3.8.2006 and additional counter dated 28.09.2006.

4) The High Court was impleaded as the 4th respondent by the order dated 9.11.2006 and called upon to furnish the relevant particulars as to the petitioners' grievance. According to the information furnished by the High Court about 2446 cases (OPs) were disposed of (by the then presiding officer Sri H.R.Rabbani, while functioning as Senior Civil Judge, Nandikotkur.) Out of these as there were no orders and decrees passed and drawn up except docket orders, 1910 cases were later disposed of in a Mega Lok Adalat; 164 cases were adjudicated afresh as per the directions of the Supreme Court. in Civil Appeal Nos. 2041 and 2042 of 1997 and as per the directions of the High Court in W.P.No. 3274/98 by the III Addl. District Judge, Krunool. Of the 2446 cases then disposed of by Sri H.R.Rabbani, either the claimants or the State preferred appeals to this court in 169 cases. Of these, in 48 cases decrees were transmitted to the City Civil Court, Hyderabad, in execution applications filed by the claimants; 11 appeals were disposed of by the High Court; in 98 appeals full satisfaction was recorded and 12 appeals are pending. 175 OPs are still pending adjudication. Of these some OPs were adjudicated afresh pursuant to the orders of this court in writ petitions; in 3 OPs disposed of by Sri H.R.Rabbani, orders and decrees are available; in 2 OPs decrees were transmitted to the court of the Principal Senior Civil Judge, Kurnool and in one records were submitted to the High Court for consideration in another W.P.No. 13132/02. One OP No.178/91 was transferred to the Principal Senior Civil Judge, Kurnol and renumbered as OP No.43/393. These three OPs were disposed and in one the case record is not traceable.

5) According to the additional counter filed by the 2nd respondent (dt 20.09.2006), of the 76 OPs relatable to the 59 writ petitioners, in 51 OPs disposed of by the erstwhile officer Sri H.R.Rabbani, except docket orders no orders or decretal orders are available on record. These are LAOP Nos. 5342, 5326, 5331, 5333, 6621, 5320, 6327, 5322, 1417, 5339, 5343, 7107, 5329, 5353, ,4975, 5346, 5318, 5319, 5199, 4719, 5462, 5201, 5204, 5197, 5196, 4973, 1744, 1750, 1745, 1747, 1748, 1574, 5193, 5191, 4709, 4706, 6788, 4705, 6570, 4708, 4712, 4710 of 1991; 190/92; 6631, 6413, 6016, 6318 of 1991; 186/92; 5205, 6080, 5349 of 1991.

6) Of the remaining 25 OPs, 12 were settled in Lok Adalat. These are: LAOP Nos. 5327, 4704, 6333, 5202, 5345, 5328, 1749, 1861, 4350, 1385, 6334 of 1991; and 760/92. Of the remaining 13 LAOPs, seven were disposed of by other Presiding Officers of the Senior Civil Judge's Court, Nandikotkur. These are LAOP Nos. 1817, 6813 of 1991; 545, 773, 761, 768 of 1992; 5985/91. The remaining six LAOPs were adjudicated afresh as per the

orders of this court dated 23.1.2005 in W.P.No. 16635 of 2005 and disposed of by the answering 2nd respondent. These are LAOP Nos. 2239, 2236, 2229, 5986, 1976, 2231 of 1991.

7) From the detailed counter filed by the (2nd respondent) learned Presiding Officer of the Court of Senior Civil Judge, Nandikotkur (R2) it is apparent that 51 LAOPs alone (in so far as the petitioners are concerned) are yet to be disposed of. In these OPs Sri H.R.Rabbani had passed docket orders but no orders or decretal orders are available on record. These OPs have therefore to be adjudicated afresh.

A similar grievance came to be urged by 5 landowners in W.P.No. 32714/98. A learned single Judge of this court by the judgment dated 11.12.2000 disposed of the writ petition directing that the OPs pertaining the petitioners therein and other OPs which were not disposed of pursuant to the directions of the Supreme Court in Civil Appeal Nos. 2041 and 2042 of 1997 should be disposed of after issuing notices to the parties concerned, within four months.

8) In the totality of circumstances, having regard to the pleadings on record and in the interest of justice this writ petition is disposed of directing the learned Senior Civil Judge, Nandikotkur, to dispose of the LAOPs (51 in number mentioned in para 5 above), in accordance with the terms of reference; after notices to the concerned parties and on the basis of the evidence on record, expeditiously and preferably within a period of six months from the date of receipt of a copy of this order. There shall be no order as to costs.

Dt:05-04-2007 ----------

Pvsn Justice G.Raghuram